IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.3795 OF 1998

The Mahanagar Telephone Nigam Ltd. ...Plaintiffs

Versus

Niranjan Parikh & Anr. ...Defendants

Mrs J.R.Thakkar for the Plaintiffs.

CORAM : ABHAY S.OKA, J.
DATED : JULY 31, 2007.

ORAL JUDGMENT:

1. The learned counsel appearing for the Plaintiff has filed an affidavit in lieu of evidence of Shri S.S.Hanahar, Senior Section Supervisor attached to Accounts Officer of Mandvi Telephone Exchange of the Plaintiff. The said affidavit is marked "X" for identification and is taken on record. Alongwith the said affidavit the learned counsel for the Plaintiffs has tendered on record a compilation of four bills issued by the Plaintiffs on the basis of which the claim in the suit is based.

2. The suit is filed by the Plaintiffs for recovery of telephone bills dated 01st May, 1997, 01st July, 1997 and 01st September, 1997 of telephone No.3400399. The claim is also made for recovery of bill dated 15th December, 1997 in respect of telephone No.3435705.

3. The claim of the Plaintiff has been duly proved by the affidavit of Shri Hanahar in view of statements made in paragraph Nos.2 and 3 of the said affidavit. It is stated that inspite of service of legal notice dated 08th March, 1998 the Defendant has not paid amounts payable under the aforesaid bills.

4. Considering the aforesaid affidavit and the documents placed on record, a case is made out for passing a decree in favour of the Plaintiff. There is no stipulation between the parties as regards payment of interest. Therefore, further interest will have to be allowed at the rate of 6 per cent per annum.

5. Accordingly, the suit is decreed in terms of prayer clauses (a) to (c) with a modification that interest payable will be at the rate of 6 per cent per annum from the date of institution of the suit till realisation or payment.

6. The Plaintiffs will be entitled to refund of court fees, if any, as per the rules.

7. Certified copy is expedited.

JUDGE